

**The Local Government Ombudsman's
Annual Letter**

Waverley Borough Council

for the year ended

31 March 2008

The Local Government Ombudsman (LGO) provides a free, independent and impartial service. We consider complaints about the administrative actions of councils and some other authorities. We cannot question what a council has done simply because someone does not agree with it. If we find something has gone wrong, such as poor service, service failure, delay or bad advice, and that a person has suffered as a result, the Ombudsmen aim to get it put right by recommending a suitable remedy. The LGO also uses the findings from investigation work to help authorities provide better public services through initiatives such as special reports, training and annual letters.

Annual Letter 2007/08 - Introduction

This annual letter provides a summary of the complaints we have received about Waverley Borough Council. We have included comments on the authority's performance and complaint-handling arrangements, where possible, so they can assist with your service improvement.

I hope that the letter will be a useful addition to other information your authority holds on how people experience or perceive your services.

Two attachments form an integral part of this letter: statistical data covering a three year period and a note to help the interpretation of the statistics.

Complaints received

In 2007/08 I received 30 complaints against your Council, marginally fewer than the previous year.

As is often the case for district councils the largest number of complaints related to planning matters. There were 11 complaints in this area, two less than the previous year. Eight concerned planning applications, two (from the same person) related to trees and one was about building control. I also received seven complaints about housing matters. Although numbers are small, in the previous year there were only two. I note the Audit Commission is to carry out an inspection of your Council's Housing Service in October 2008, and would be interested to know of any changes the Council proposes to make in this area.

Six complaints were received about local taxation, three about antisocial behaviour (two from the same person), and there were others concerning environmental health, leisure and culture, and a miscellaneous matter.

Decisions on complaints

Last year I made 37 decisions on complaints. In 15 cases I found no or insufficient fault with what the Council had done to warrant my involvement. In six I exercised my discretion not to pursue the matter, generally because there was insufficient injustice to the complaint to justify doing so. I concluded that five complaints were outside my jurisdiction; in four cases because the complainant had an alternative remedy it was reasonable for them to use and in one case because the matter was a contractual or commercial one. I referred seven complaints back to your Council because you had not had a reasonable opportunity to deal with the matter before I became involved; of these two subsequently contacted me again because they remained dissatisfied.

None of the complaints we investigated this year justified the issue of a report. .

A 'local settlement' is a complaint where, during the course of our investigation, the Council has agreed to take some action which we consider is a satisfactory response to the complaint. In 2007/08 the Local Government Ombudsmen determined 27% of complaints by local settlement (excluding 'premature' complaints - where councils have not had a proper chance to deal with them - and those outside our jurisdiction). In 2006/07 there were ten local settlements, which was double the norm. Last year I agreed four local settlements. This was much closer to the average.

In 2006/07 one of the main areas for local settlements was planning enforcement, but last year there was only one case where this was the issue. Other cases last year concerned environmental health and parking.

/...

One local settlement related to a long running complaint about rodent problems at a complainants property. I found problems had been exacerbated by poor relations between neighbours. Nevertheless I concluded the Council had not acted properly to tackle the problem, or in carrying out consequential repairs at the complainant's property. I was nevertheless pleased that your Council ultimately agreed to take steps to address these issues.

In a complaint about parking I was concerned the Council sought to recover an excess penalty charge issued under the Road Traffic Regulation Act 1984 through civil means, whereas I considered that recovery under this procedure was only possible through a court process. As the Council agreed to write off the charges as a goodwill gesture and has now adopted the 'decriminalised procedures' for parking enforcement I concluded there was no merit in pursuing this issue further. I do however welcome the Council's positive attitude to resolving this matter.

In one case concerning recovery action taken by bailiffs for a council tax debt, I did not consider the Council had been at fault. But following my investigation I did query whether the Council had robust arrangements to monitor the quality of bailiffs' work. I was pleased to receive a detailed response from the Council setting out the measures it had in place here.

Your Council's complaints procedure and handling of complaints

Nationally 27% of all complaints are referred back to councils to consider before I get involved. In your Council's case it was 18%. Although the numbers are relatively small you may wish to consider whether there are any local factors that explain this. Two of the complainants involved subsequently contacted me again to say they remained dissatisfied, though in neither case did I consider I should pursue the matter.

Liaison with the Local Government Ombudsman

I ask councils to reply to my enquiries within 28 calendar days. Last year your Council's average response time was 32.4 days. Although this remains outside my target it continues the trend of improvements in response times of recent years. I nevertheless note that one enforcement case took 56 days for me to receive a response. I am sure that with further effort it will be possible to achieve additional progress next year.

Training in complaint handling

Part of our role is to provide advice and guidance about good administrative practice. We offer training courses for all levels of local authority staff in complaints handling and investigation. This year we carried out a detailed evaluation of the training with councils that have been trained over the past three years. The results are very positive.

The range of courses is expanding in response to demand. In addition to the generic Good Complaint Handling (identifying and processing complaints) and Effective Complaint Handling (investigation and resolution) we now offer these courses specifically for social services staff and a course on reviewing complaints for social care review panel members. We can run open courses for groups of staff from different smaller authorities and also customise courses to meet your Council's specific requirements.

All courses are presented by an experienced investigator so participants benefit from their knowledge and expertise of complaint handling.

I have enclosed some information on the full range of courses available together with contact details for enquiries and any further bookings.

LGO developments

We launched the LGO Advice Team in April, providing a first contact service for all enquirers and new complainants. Demand for the service has been high. Our team of advisers, trained to provide comprehensive information and advice, has dealt with many thousands of calls since the service started.

The team handles complaints submitted by telephone, email or text, as well as in writing. This new power to accept complaints other than in writing was one of the provisions of the Local Government and Public Involvement in Health Act, which also came into force in April. Our experience of implementing other provisions in the Act, such as complaints about service failure and apparent maladministration, is being kept under review and will be subject to further discussion. Any feedback from your Council would be welcome.

Last year we published two special reports providing advice and guidance on 'applications for prior approval of telecommunications masts' and 'citizen redress in local partnerships'. Again, I would appreciate your feedback on these, particularly on any complaints protocols put in place as part of the overall governance arrangements for partnerships your Council has set up.

Conclusions and general observations

I welcome this opportunity to give you my reflections about the complaints my office has dealt with over the past year. I hope that you find the information and assessment provided useful when seeking improvements to your Council's services.

Tony Redmond
Local Government Ombudsman
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June 2008

Enc: Statistical data
Note on interpretation of statistics
Leaflet on training courses (with posted copy only)

| Complaints received by subject area | Benefits | Housing | Other | Planning & building control | Public finance | Transport and highways | Total |
|--|-----------------|----------------|--------------|--|-----------------------|-------------------------------|--------------|
| 01/04/2007 - 31/03/2008 | 0 | 7 | 6 | 11 | 6 | 0 | 30 |
| 2006 / 2007 | 3 | 2 | 8 | 13 | 4 | 2 | 32 |
| 2005 / 2006 | 0 | 6 | 0 | 13 | 1 | 2 | 22 |

Note: these figures will include complaints that were made prematurely to the Ombudsman and which we referred back to the authority for consideration.

| Decisions | MI reps | LS | M reps | NM reps | No mal | Omb disc | Outside jurisdiction | Premature complaints | Total excl premature | Total |
|--------------------------------|----------------|-----------|---------------|----------------|---------------|-----------------|-----------------------------|-----------------------------|-----------------------------|--------------|
| 01/04/2007 - 31/03/2008 | 0 | 4 | 0 | 0 | 15 | 6 | 5 | 7 | 30 | 37 |
| 2006 / 2007 | 0 | 10 | 0 | 0 | 4 | 4 | 10 | 4 | 28 | 32 |
| 2005 / 2006 | 0 | 3 | 0 | 0 | 6 | 3 | 2 | 5 | 14 | 19 |

See attached notes for an explanation of the headings in this table.

| Response times | FIRST ENQUIRIES | |
|--------------------------------|-------------------------------|-----------------------------------|
| | No. of First Enquiries | Avg no. of days to respond |
| 01/04/2007 - 31/03/2008 | 8 | 32.4 |
| 2006 / 2007 | 15 | 41.3 |
| 2005 / 2006 | 4 | 73.3 |

Average local authority response times 01/04/2007 to 31/03/2008

| Types of authority | <= 28 days % | 29 - 35 days % | > = 36 days % |
|---------------------------|------------------------|-----------------------|-------------------------|
| District Councils | 56.4 | 24.6 | 19.1 |
| Unitary Authorities | 41.3 | 50.0 | 8.7 |
| Metropolitan Authorities | 58.3 | 30.6 | 11.1 |
| County Councils | 47.1 | 38.2 | 14.7 |
| London Boroughs | 45.5 | 27.3 | 27.3 |
| National Park Authorities | 71.4 | 28.6 | 0.0 |